

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COLUMBIA GAS TRANSMISSION
CORPORATION,

Plaintiff,

v.

AN EASEMENT TO CONSTRUCT,
OPERATE AND MAINTAIN A 24-INCH
GAS TRANSMISSION PIPELINE ACROSS
PROPERTIES IN CHESTER COUNTY,
PENNSYLVANIA, OWNED BY JAY PAR
AND PAR ANBIL, et al. and UNKNOWN
PERSONS AND INTERESTED PARTIES,

Defendants.

C.A. No. 02-CV-3733

**PLAINTIFF COLUMBIA GAS TRANSMISSION CORPORATION'S
REQUEST FOR HEARING ON MOTION FOR PARTIAL
SUMMARY JUDGMENT AND IMMEDIATE ACCESS**

The plaintiff, Columbia Gas Transmission Corporation ("Columbia") requests a hearing on May 22 or 23 on its Motion for Partial Summary Judgment and states in support as follows:

1. On March 4, 2003, Columbia filed its motion seeking summary judgment as to the Answers filed by Harold M. Harper, III and Roberta E. Harper (the "Harpers"). The Harpers contested Columbia's legal authority to condemn the right to replace the existing 10-inch gas transmission pipeline on the Harpers' property with a new 24-inch pipeline. The Harpers are the only remaining defendants in this action who contested Columbia's authority to condemn.

2. In addition, Columbia also moved for immediate access to all of the properties in order to meet its construction schedule and its obligations under the certificate of public convenience and necessity issued by the Federal Energy Regulatory Commission. The work needs to be done in the summer in order to have the pipeline in service for the heating

season. The Harpers are the only remaining defendants in this action who contested Columbia's motion for access.

3. Counsel for Columbia and the Harpers have discussed the access issue with the Court. The primary issue as to access involves the location of their septic draining field and their concern that the pipeline construction will damage it. At the Court's suggestion, counsel have discussed possible resolution of the issue. On May 5, 2003, counsel met with the Harpers at their property and an inspection of their septic system was done by a consultant hired at Columbia's expense.

4. Columbia will share the results of the inspection with the Harpers and will continue discussing amicable resolution of the access issue. Columbia, however, requests the Court to set a hearing date now in case the issue cannot be settled.

5. Columbia requests that the hearing be set for either May 22 or 23 if the Court's schedule permits. Columbia's undersigned counsel will be in a trial in state court on May 19-21 and May 27-June 5. Setting the hearing for May 22 or 23 will give the parties sufficient time to explore settlement but still protect Columbia's need to do its work this summer. The hearing should take 2 hours or less. Columbia also consents to having the access motion referred to Magistrate Judge Angell for either disposition or report and recommendation.

WHEREFORE, Columbia requests that the Court schedule a hearing on May 22 or 23 on its motion for partial summary judgment and immediate access to the Harpers' property.

REED SMITH LLP

Date: _____

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ORDER

Upon consideration of Plaintiff Columbia Gas Transmission Corporation's Request for Hearing on Motion for Partial Summary Judgment and Immediate Access, it is hereby ordered that a hearing on Columbia's motion for partial summary judgment will take place on May ____, 2003 at _____.m.

Dated: _____

U.S. District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Plaintiff Columbia Gas Transmission Corporation's Request for Hearing on Motion for Partial Summary Judgment and Immediate Access has been served by first class mail to the following:

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Date: _____